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# Abel's Defense Lawyer Had Key Role in Swap

By the Associated Press

James B. Donovan, a prominent New York attorney, was a key figure in the swap of U-2 pilot Francis Gary Powers and convicted Soviet spy Rudolf Abel.

Edwin Guthman, public relations director for the Justice Department gave newsmen early today this account of the negotiations and how Mr. Donovan, who had been Col. Abel's court-appointed defense counsel, figured in them:

Late in 1960, Col. Abel's wife sent a letter to Mr. Donovan from East Germany asking if, as defense attorney, he could get clemency for her husband. Mr. Donovan notified the justice department.

Acting with the approval of the department, he suggested to Mrs. Abel that she address her appeal to President Kennedy after he took office. At the time President Eisenhower was in office and William P. Rogers was Attorney General.

## Donovan Sent to Berlin

Mrs. Abel dispatched an appeal to Mr. Kennedy and it went down through channels to Reed Cozart, pardon attorney for the Justice Department. He felt that there were insufficient grounds to recommend clemency.

A further exchange of letters followed between Mrs. Abel and Mr. Donovan discussing what Mr. Guthman called "various possibilities concerning Abel's release." Mr. Donovan, acting as defense attorney for Col. Abel, kept the Justice Department informed throughout.

The new Attorney General, Robert F. Kennedy, was familiar with all the dickering, and although the Justice Department did not say so, President Kennedy appeared to be also.

About a month or six weeks ago, when it appeared that there were some real grounds for negotiations, Mr. Donovan was authorized by the United States Government to go to East Berlin "and explode the situation." He arrived there about two weeks ago.

To assist him he was given a letter from Mr. Cozart, the

pardon attorney, indicating that Col. Abel's sentence might be commuted "under proper circumstances."

When the negotiations neared the successful point President Kennedy signed a commutation for Col. Abel and dispatched it to the Federal penitentiary in Atlanta, the commutation to become effective when the swap of prisoners actually took place.

Attorney General Kennedy was notified of the success of the deal just before he left Tokyo en route to Hong Kong where he was due today.

Officials emphasized that Mr. Donovan was acting as a conscientious lawyer should, in his role of court-appointed defense lawyer. They also pointed out that in view of the international implications he kept the Federal Government fully informed.

During World War II Mr. Donovan, 45, was general counsel for the hush-hush Office of Strategic Service. After the war he was on the United States legal staff at the Nuremberg war crime trials. He is now a member of the New York law firm of Watters & Donovan.

## Donovan Donated Fee

For his work as counsel for Col. Abel, Mr. Donovan received a fee of \$10,000 from Col. Abel's family, who sent the money via East Germany.

Later, Mr. Donovan announced he was donating his fee to three American universities—\$5,000 to Fordham University and \$2,500 to the Harvard Law School, both of which he attended, and \$2,500 to Columbia Law School, which two of his court-appointed assistants in the case attended.

"There is more to practicing law than making money," said Mr. Donovan, adding:

"It is my belief that in a land of plenty such as the United States the most effective means of combating totalitarianism lies in the furtherance of sound moral training and a thorough understanding of justice under the law. In that belief I am donating the \$10,000 to these three universities."

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